

The City Of

Opelika

Office of the Mayor

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Public Record**

December 8, 2003

Mr. Vernon A. Williams
Surface Transportation Board
1925 K Street, NW, Room 711
Washington, DC 20423

RE: Pine Belt Southern Railroad Company, Inc., Abandonment
Opelika, Lee County, Alabama
STB Docket No. AB 601 sub. 1X

Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration in the above captioned proceeding. This comment is filed on behalf of the City of Opelika, Alabama, which is a municipal government interested in the development of recreational facilities, and is hereinafter referred to as the "Commenter".

While not taking a position on the merits of this abandonment, the Commenter requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between mileposts T-322.40 and T-339.66.

A. Public Use Condition

The Commenter requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

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1. An order prohibiting the carrier from disposing of the corridor, other than the entrances, ties and signal equipment; except for public use on reasonable terms. The justification for this condition is that the corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. The time period should be 180 days from the effective date of the abandonment authorization. The Commenter needs this much time because it has not had an opportunity to complete a trail plan or commence negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures, such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Commenter also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under Section 8(d) of the National Trails System Act, 16 U.S.C. § 1247(d), and 49 C.F.R. § 1152.29, the City of Opelika, Alabama is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned and operated by Pine Belt Southern Railroad Company, Inc.

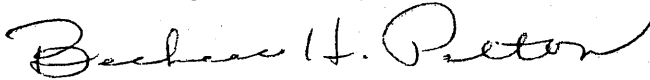
The property extends from railroad milepost T-322.40 near Opelika to railroad milepost T-340.66 near Lafayette, a distance of 17.4 miles in Lee and Chambers Counties, Alabama. The right-of-way is proposed for abandonment in STB Docket No. AB 601 sub. 1.

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The City of Opelika, Alabama acknowledges that use of the right-of-way is subject to the user continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Pine Belt Southern Railroad Company, Inc., Post Office Box 1317, Shelbyville, TN 37162 by U.S. Mail, ~~postage pre-paid, first class, this 8th day of December, 2003~~

Respectfully submitted,

A handwritten signature in cursive script, reading "Barbara H. Patton".

Barbara H. Patton
Mayor

BHP/pb